

March 26, 2015

Mr. Kirkpatrick called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:00 p.m.

Members Present: Mr. Mazza, Mr. Hirt, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Ryland, Mr. Eschbach, Mr. Ford, Mr. Kirkpatrick

Members Absent: Mr. Kastrud, Mr. Gibbons

Others Present: Atty. Mark Anderson, Atty. James Mitchell, Atty. Jay Thatcher, Thomas Thatcher, Carlos Elizondo

Open Public Meetings Act Notice: I would like to have placed in the minutes that the Open Public Meeting Requirements of Law have been satisfied by our notices dated January 29, 2015, as published in the Hunterdon County Democrat and January 28, 2015, as published in the Courier News. A copy of the Notice has also been posted on the Township Website, the Bulletin Board in the Municipal Building and a copy has been filed with the Municipal Clerk.

Approval of Minutes: Mr. Ford made a motion to approve the amended/modified minutes of the February 26, 2015 meeting. Mr. Mazza seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Mazza, Mr. Hirt, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Ryland, Mr. Eschbach, Mr. Kirkpatrick

Memorialization of Resolutions:

1. Green Rock Quarry License, Block 22, Lots 15 & 15.01, 3 Frontage Road: A motion to memorialize the Resolution was made by Mrs. Corcoran and seconded by Mr. Hirt.

Vote: Ayes: Mrs. Corcoran, Mr. Hirt, Mr. Mazza, Mr. Walchuk, Mr. Nace, Mr. Ryland, Mr. Eschbach, Mr. Ford, Mr. Kirkpatrick

2. Pilot Travel Centers: Block 11, Lot 24.03 – Anti-Idling Plan: A motion to memorialize the Resolution was made by Mr. Ford and seconded by Mr. Eschbach.

Vote: Ayes: Mr. Ford, Mr. Eschbach, Mr. Mazza, Mr. Hirt, Mr. Nace, Mrs. Corcoran, Mr. Ryland

Abstain: Mr. Walchuk, Mr. Kirkpatrick

Issue of Completeness: Cellco Partnership d/b/a Verizon Wireless: Block 13, Lot 6, 53 Frontage Road: Mayor Mazza and Committeeman Hirt recused themselves prior to the discussion. Atty. James Mitchell, representing Cellco, gave a brief overview of his client's proposal to install a two-foot tall by one-foot diameter single antenna on an existing office building on the Foster Wheeler property. Two equipment cabinets would be associated with the antenna.

Atty. Mitchell asked for certain waivers because of the limited scope of the project. Mr. Kirkpatrick said the waivers requested were reasonable; however, he said there is no data indicating that the building was structurally capable of supporting the antenna. Atty. Mitchell said that information could be provided during the Hearing process or as a condition of approval prior to installation of the antenna. Mr. Kirkpatrick voiced a concern about the antenna's endurance in a major storm. Atty. Mitchell said that information should be available within two weeks. Mr. Walchuk had a question about the height of the installation. Mr. Kirkpatrick noted a discrepancy regarding height also. Atty. Mitchell explained the discrepancies. The issue of deeming the application complete, subject to applicant providing additional information was discussed. The date of completeness would be the date the additional information was received. Atty. Anderson said that would be subject to Atty. Mitchell accepting that as a condition, as well as the Board Engineer indicating he is satisfied with the additional information.

Mr. Ford made a motion to deem the application complete, with additional information being provided, and satisfactory to the Board Engineer. Mr. Nace seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Nace, Mr. Walchuk, Mrs. Corcoran, Mr. Ryland, Mr. Eschbach, Mr. Kirkpatrick

Zoning Appeal: Carlos Elizondo, Block 25, Lot 2.01, 73 Race Street: Atty. Jay Thatcher, representing Mr. Elizondo, apprised the Board that his client had received a Notice of Violation from the Zoning Officer for running a business at 73 Race Street. The tenant living in the apartment above the garage had contacted the Zoning Officer regarding the business use. Atty. Anderson understood applicant was asking for an interpretation. Atty. Thatcher agreed with Mr. Anderson. Applicant contends that he is not operating a business but parking a vehicle at the site. Atty. Anderson understood that Mr. Elizondo was appealing the determination of the Zoning Officer. Atty. Thatcher said Mr. Elizondo and Professional Planner Thomas Thatcher would be providing testimony. Mr. Elizondo is seeking permission to continue to park his landscaping truck at the Race Street location. Mr. Elizondo was sworn by Atty. Anderson. He presented a copy of the Tax Map showing Block 25, Lot 2.01. It was marked Exhibit A-1. Mr. Elizondo described the property and its current use. There is a container on the site that is used for storage of items not related to the landscaping business, according to Mr. Elizondo.

Planner Thomas Thatcher presented his credentials. They were accepted by the Board. Mr. Thatcher had visited the site and described conditions therein. He said there was no visible evidence of a business operation. Mr. Kirkpatrick was inclined to think the parking of the truck was a commercial use. If Mr. Elizondo resided on the property it would be part of a home occupation and, if standards of the Ordinance were met, it would be permitted. Atty. Anderson emphasized the application before the Board is whether a non-resident parking the truck is permitted in the District (Country Residential). He told Atty. Thatcher that Mr. Elizondo could return to the Zoning Officer and if he agreed with the Board Chairman there would be no problem.

Atty. Thatcher thanked the Board for their time.

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Correspondence: Supreme Court Of New Jersey Rules on COAH: Mayor Mazza and Mr. Hirt returned to the meeting. The Rules were discussed by members and Atty. Anderson. The Township has a limited time frame to offer comments.

Comments from the Public/Other Discussion: Land-Use Code Recommendations – Home Occupations: Mr. Ford commented favorably on Planner Andrea Malcolm’s memo. He asked for clarification regarding Multiple Home Occupations.

Mr. Ford made a motion to recommend to the Township Committee to consider adopting the Amendment to the Land Use Code regarding Multiple Home Occupations (H-1). This use shall include ALL activities carried out by residents of the home, for gain. Mr. Walchuk seconded the motion.

Vote: Ayes: Mr. Ford, Mr. Walchuk, Mr. Nace, Mrs. Corcoran, Mr. Ryland, Mr. Eschbach, Mr. Kirkpatrick

Motion to Adjourn: Mrs. Corcoran made a motion to adjourn. Mr. Kirkpatrick seconded the motion. (8:25 p.m.)

Vote: All Ayes

Grace A. Kocher